

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

HOMTEX, INC.,

Plaintiff/Counter-
Defendant

vs.

CIVIL ACTION NO.: 11-S-1349-NE

LEGGETT & PLATT
d/b/a Leggett & Platt Consumer
Products Group, et. al.,

Defendant/Counter-
Plaintiff

JOINT MOTION TO DISMISS WITH PREJUDICE

Plaintiff/Counter-Defendant Homtex, Inc. (“Homtex”) and Defendant/Counter-Plaintiff, Leggett & Platt, Inc., d/b/a Leggett & Platt Consumer Products Group, a/k/a Southern Textiles (collectively referred to as “Leggett & Platt”), by and through their undersigned counsel, file this Joint Motion to Dismiss, with prejudice, the above captioned action pursuant to Federal Rule of Civil Procedure 41(a). In support thereof, the parties state as follows:

1. Homtex and Leggett & Platt have reached settlement on all issues raised in this matter.
2. Plaintiff/Counter-Defendant Homtex requests dismissal, with prejudice, of its complaint, and all amended complaints, against

Defendant/Counter-Plaintiff Leggett & Platt, and all claims and causes of actions asserted therein in connection with Leggett & Platt.

3. Defendant/Counter-Plaintiff Leggett & Platt requests dismissal, with prejudice, of its counterclaim against Plaintiff/Counter-Defendant Homtex, and all claims and causes of actions asserted therein in connection with Homtex.

4. The parties respectfully stipulate and agree that the complaint and counterclaims in the above caption action be dismissed between them with prejudice and that each party bear its own costs and fees.

WHEREFORE, the parties jointly move this Court to dismiss this action with prejudice without costs or fees to either Homtex or Leggett & Platt.

Respectfully submitted,

s/Stephen H. Hall

Stephen Hall (asb-0559-a58s)
Bradley Arant Boult Cummings LLP
200 Clinton Avenue West, Suite 900
Huntsville, AL 35801-4900
Telephone: (256) 517-5100

Charles A. Stewart III (asb-4955-a56c)
Bradley Arant Boult Cummings LLP
Alabama Center for Commerce
401 Adams Avenue, Ste. 780
Montgomery, AL 36104
Telephone: (334) 956-7700
Facsimile: (334) 956-7701

ATTORNEYS FOR LEGGETT & PLATT,
INC.

s/ Lorri W. Cooper

Lorri W. Cooper (OH Bar 0075519)

Una L. Lauricia (OH Bar 0074759)

Steven J. Solomon (OH Bar 0076876)

PEARNE & GORDON LLP

1801 East 9th Street, Suite 1200

Cleveland, OH 44114

Telephone: (216) 579-1700

Facsimile: (216) 579-6073

lcooper@pearne.com

ulauricia@pearne.com

ssolomon@pearne.com

Of Counsel:

St. John & St. John, LLC

P.O. Box 2130

Cullman, AL 35056

(256) 734-3542

stjohnfe@bellsouth.net

ATTORNEY FOR PLAINTIFF HOMTEX,
INC.